



WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

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Name of Individual Certifying this Document/Proposed Document

ADMINISTRATOR, DIVISION OF COMMUNITY CORRECTIONS

Title


[Handwritten Signature]

Signature

6/25/19

Date Signed

Department of Corrections – Wisconsin
Office of the Secretary
Wis. Stat. § 227.112(6)
DOC-2910 (6/2019)

 <p style="text-align: center;">WISCONSIN DEPARTMENT OF CORRECTIONS Division of Community Corrections DOC-1356 (Rev.) Administrative Directive # 13-03</p>	EFFECTIVE DATE May 1, 2013	PAGE NUMBER 1 of 5
	MANUAL REFERENCE	<input checked="" type="checkbox"/> New <input type="checkbox"/> Revision
	ORIGINATED BY ADMINISTRATOR'S OFFICE Denise Symdon <i>D. Symdon</i> 3/22/13	
DISSEMINATION <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Supervisory Staff Only	PRIORITY <input checked="" type="checkbox"/> Policy/Directive <input type="checkbox"/> Information Discuss at Staff Meeting Read/Route/Post	
SUBJECT: POLICY AND PROCEDURES FOR LIFETIME SUPERVISION OF SERIOUS SEX OFFENDERS		

Reference: Wisconsin State Statute 939.615
 Wisconsin Administrative Code 328

Policy Statement: Certain serious sex offenders may be subject to lifetime supervision. When a prosecutor decides to seek lifetime supervision for a serious sex offender, s/he must, prior to the arrangement and prior to accepting any plea, state in the indictment, complaint or information that s/he is seeking to have the person placed on lifetime supervision.

I. Procedure:

A person placed on lifetime supervision is subject to the control of the Department of Corrections under conditions set by the court and regulations established by DOC that are necessary to protect the public and promote the rehabilitation of the person placed on lifetime supervision.

The supervision of an offender on lifetime supervision shall follow the specific and detailed supervision process as outlined in Chapter 6 of the Probation and Parole Operations Manual except as stated below. Lifetime supervision sentences are consecutive to a probation or parole case. Upon maximum discharge of the probation or parole case, there is no change in the offender's status or supervision level. Offenders are continued on supervision as a consecutive case.

- Offenders on lifetime supervision are not eligible for an early discharge.
- Offenders on lifetime supervision cannot be revoked by the Department, but are subject to misdemeanor charges for violation of lifetime supervision including rules violations.

II. Definition of a "Serious Sex Offender"

A "serious sex offense" means any of the following:

1) A violation, or the solicitation, conspiracy or attempt to commit a violation, of:

- Sexual Exploitation by Therapist (940.22(2))
- First Degree Sexual Assault (940.225(1))
- Second Degree Sexual Assault (940.225(2))
- Third Degree Sexual Assault (940.225(3))
- First Degree Sexual Assault of a Child (948.02(1))
- Second Degree Sexual Assault of a Child (948.02(2))
- Repeated Acts of Sexual Assault of a Child (948.025(1))
- Sexual Exploitation of a Child (948.05(1))

- Forced Viewing of Sexual Activity (948.055(1))
- Incest with a Child (948.06)
- Child Enticement (948.07)
- Use of a Computer to Facilitate a Child Sex Crime (948.075)
- Soliciting a Child for Prostitution (948.08)
- Sexual Assault of a Child in Substitute Care (or placed in Substitute Care) (948.085)
- Exposing a Child to Harmful Materials (948.11 (2)(a))
- Possession of Child Pornography (948.12)
- Child Sex Offender Working with Children (948.13)

2) A violation, or the solicitation, conspiracy or attempt to commit a violation, under ch. 940 (Crimes Against Life and Bodily Security), 943 (Crimes Against Property), 944 (Crimes Against Sexual Morality) or 948 (Crimes Against Children) other than above specified violations, if the court determines that one of the purposes for the conduct constituting the violation was for the actor's sexual arousal or gratification.

III. Beginning of Lifetime Supervision

The period of lifetime supervision on which a person is placed shall begin at whichever of the following times is applicable:

- If a person is placed on probation for a serious sex offense, upon discharge from probation.
- If a person is sentenced to prison for a serious sex offense, upon maximum discharge from an institution or parole.
- If a person has been committed to the Department of Health Services under s. 971.17 for a serious sex offense, upon termination of a commitment under s. 971.17 (5) (Not guilty by reason of mental disease or mental defect) or his or her discharge from the commitment under s. 971.17(6) whichever is applicable.

IV. Supervision Information

A. Lifetime supervision offenders shall pay supervision fees.

B. All strategies of supervision that are implemented by DOC may be used for lifetime supervision offenders. These may include but are not limited to:

Electronic Monitoring Program
 Urinalysis screens
 Electronic Alcohol Monitors
 Drug Screening Patches
 Sex Offender Risk Prediction Instruments
 Polygraph
 Judicial Reviews
 Disciplinary Detentions
 Pharmacological Interventions
 TLP / Half way house Placements

C. All lifetime supervision offenders will be required to submit a DNA specimen.

D. Per DOC policy all lifetime supervision offenders, while on supervision, will be required to do a face to face contact with law enforcement.

E. All lifetime supervision offenders will comply with Sex Offender Registration requirements per WI ss. 301.45.

F. All intrastate and interstate supervision policies and procedures that apply to other sex offenders will apply to offenders subject to lifetime supervision under WI State Statute 939.615.

V. Response to Violation and Custody/Detention

A. Rules Violation

No person placed on lifetime supervision may knowingly violate a condition or regulation of lifetime supervision established by the court or by DOC.

A lifetime supervision offender who knowingly violates may be found guilty of a Class A misdemeanor. If the same conduct constitutes a crime that is a felony, the offender may be found guilty of a Class I Felony.

B. Custody

The Department may temporarily take an offender on lifetime supervision into custody if the Department has reasonable grounds to believe that the offender has violated a condition or rule of lifetime supervision. Whenever feasible, staff will rely on law enforcement authorities to take an offender into custody. The Order to Detain (DOC 212) will be completed and provided to the detaining authority.

Within 5 working days after detention the agent will complete the following activities:

- View police reports
- Interview the offender
- Interview victim and witnesses when appropriate
- Present a summary of facts and recommendations to the supervisor.
- If warranted, prepare and forward a **“Probable Cause Report”** to the District Attorney’s Office in the county of conviction recommending prosecution.

The original five (5) working days for investigation of an alleged violation can be extended by requesting from the appropriate authority a Detention Extension Request per policy.

Following completion of the violation investigation, the following dispositions may occur:

- Continue the offender under lifetime supervision because the allegation is unfounded, or
- Resolve the violation by:

A formal or informal counseling session with the offender to re-emphasize the necessity of compliance with the rules of conditions or;

A review of the rules of supervision, followed by changes in them where necessary or;

Develop a community base alternative that addresses the specific nature and dynamics of the violation or;

Request a judicial review or;

Prepare a "Probable Cause" report and forward it to the District Attorney's Office in the county of conviction.

C. Probable Cause Report

A Probable Cause Report must be prepared and submitted to the District Attorney's Office in the county of conviction within 15 working days of the Department's detention order. If the offender is apprehended out of state, the 15 days begin on the day the offender is returned to Wisconsin. The Department's hold may be canceled within three working days following the submission of the Probable Cause Report to the District Attorney's Office. If the District Attorney's office does not act on the Department's report or does not seek to detain the offender through the court process, the offender will be released from custody and continued on lifetime supervision. The Probable Cause Report shall contain the following information:

- Cover letter
- Current governing case with copy of order for lifetime supervision
- Violation report with all substantiating documents in revocation summary format including offender's statement (for informational purposes)
- Copy of DOC-10 Rules of Supervision
- Justification for recommending prosecution

VI. Termination Procedures

A person placed on lifetime supervision may file a petition with the court requesting that lifetime supervision be terminated. The petition is filed with the court that ordered the lifetime supervision and only the court can terminate lifetime supervision.

A person must be on lifetime supervision for at least 15 years before they can file a petition for termination of supervision. If convicted of a crime during the period of lifetime supervision, a person cannot file a petition for termination of supervision at any time. Violations of lifetime supervision rules may result in misdemeanor criminal charges.

Upon being notified by the court that an offender has filed a petition for termination of supervision, the District Attorney's Office has 30 days to conduct a criminal record check and file a response to the petition. At this time, the court also notifies the Department of Corrections that it may submit a report regarding the offender. If the Department submits a report to the court, it shall include information concerning the person's conduct while on lifetime supervision and an opinion as to whether lifetime supervision of the person is still necessary to protect the public.

If the District Attorney's report does not indicate a criminal conviction during the period of lifetime supervision,

the court orders the offender to be examined by a physician or a psychologist. Within 60 days of examining the offender, a report is filed with the court indicating whether or not the offender is a danger to the public.

The court may grant a petition requesting termination of lifetime supervision if it determines after a hearing that lifetime supervision is no longer necessary to protect the public.

If the petition requesting termination of lifetime supervision is not granted, the offender cannot file a subsequent petition for termination for 3 years.

Scott Walker
Governor

Edward F. Wall
Secretary



Mailing Address

Sex Offender Registry
3099 E. Washington Ave.
Madison, WI 53707

State of Wisconsin Department of Corrections

(Date)

(District Attorney's Name)
(Address of DA Office)

RE: Violation of Wisconsin Statute 939.615: (offender's name)

Dear District Attorney:

Attached to this letter is the Wisconsin Department of Corrections Lifetime Supervision of Serious Sex Offenders Non-compliance Report and supplemental documentation advising that (offender's name), (DOB), (last known address), is in violation of Wisconsin State Statute 939.615.

It is the Department's opinion that by committing the violations outlined in the supplemental reports, (offender's name) did knowingly violate a condition or regulation of lifetime supervision established by the court and Department of Corrections. Therefore, the defendant is subject to a violation of Wisconsin State Statute 939.615 (7), which is a Class A misdemeanor punishable by 9 months in jail and/or a \$10,000 fine. Further, if conduct constitutes a crime that is a felony, the offender may be found guilty of a Class I felony, punishable by up to 3 ½ years in prison and/or \$10,000 fine. For repeat offenders, the term of imprisonment may increase by up to 2 years with prior misdemeanor convictions, and up to 6 years with prior felony convictions.

The Department of Corrections has determined that there is probable cause to believe that (offender's name) has been non-compliant with terms of his lifetime supervision in violation of 939.615 and requests that your office file a complaint.

If you have questions or concerns, please contact me at (phone number).

Sincerely,

DEPARTMENT OF CORRECTIONS

(Name)
(Title)

Cc: file

Attachments

- Violation Report
- Rule of Community Supervision

LIFETIME SUPERVISION OF SERIOUS SEX OFFENDERS NON-COMPLIANCE REPORT

Violation of Wisconsin State Statute 939.615

Authority and Notification:

(offender's name) has been convicted of a serious sex offense and has been placed on Lifetime Supervision under Wisconsin State Statute 939.615.

Lifetime Supervision Case Information:

(date of conviction)

(case number)

(County)

(Description of conviction/ and consequences and/or sentence)

Description of Violation: